

The listing of claims will replace all prior versions, and listings of claims in the application:

### **LISTING OF THE CLAIMS**

1. (Previously Presented) A method of message delivery from a wireless calling party terminal using a wireless communications network to a called party terminal, wherein the called party terminal has call waiting, the method comprising:

the wireless communications network determining that the called party terminal's line is busy;

the wireless communications network starting a called party call pickup timer;

the wireless communications network determining that the called party terminal has call waiting;

the wireless communications network delivering a "call waiting no answer" message to the calling party terminal notifying the calling party that the called party has call waiting after the call pickup timer expires;

the wireless communications network prompting the calling party to leave a message for the called party;

the wireless communications network storing the message from the calling party on the wireless communications network;

the wireless communications network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy; and

the wireless communications network delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy.

2. (Canceled)

3. (Canceled)

4. (Canceled)

5. (Original) The method defined in claim 1 wherein the storing step further comprises storing the message from the calling party in the called party's voice mail.

6. (Canceled)

7. (Previously Presented) The method defined in claim 1 wherein the call pickup timer includes a predetermined number of rings.

8. (Previously Presented) The method defined in claim 1 wherein the call pickup timer includes a predetermined time period.

9. (Canceled)

10. (Original) The method defined in claim 1 further comprising allowing the called party to disable the method of message delivery thereby preventing the delivering, prompting and storing steps.

11. (Original) The method defined in claim 1 further comprising allowing the calling party to enable the method of message delivery thereby enabling the delivering, prompting and storing steps.

12. (Original) The method defined in claim 11 further comprising allowing the calling party to enable the method of message delivery thereby enabling the delivering, prompting and storing steps even if the calling party does not have call waiting.

13. (Original) The method defined in claim 11 wherein the calling party can enable the method of message delivery thereby enabling the delivering, prompting and storing steps even though the called party has disabled the feature.

14. (Original) The method defined in claim 1 wherein the called party is using a cellular terminal.

15. (Original) The method defined in claim 1 wherein the called party is using a wireline terminal.

16. (Canceled)

17. (Previously Presented) A system for message delivery from a wireless calling party terminal using a wireless communications network to a called party terminal, wherein the called party terminal has call waiting, the system comprising:  
means for determining that the called party terminal's line is busy;  
means for determining that the called party terminal has call waiting;  
means for starting a called party call pickup timer for providing the called party a chance to pickup an incoming call from the calling party;  
means for delivering a "call waiting no answer" message to the calling party terminal after the call pickup timing expires notifying the calling party that the called party has call waiting;  
means for prompting the calling party to leave a message for the called party;  
means for storing the message from the calling party on the network;  
means for determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy; and  
means for delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy.

18. (Canceled)

19. (Canceled)

20. (Canceled)

21. (Previously Presented) The method defined in claim 1 wherein the step of the network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy includes using a called party inter-MSD on-hook message indicating that the called party terminal's line is no longer busy.

22. (Previously Presented) The method defined in claim 1 wherein the step of delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy includes ringing the called party terminal and delivering the stored message when the called party picks up.

23. (Previously Presented) The system defined in claim 17 wherein the means for determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy uses a called party inter-MSD on-hook message indicating that the called party terminal's line is no longer busy.

24. (Previously Presented) The system defined in claim 17 wherein the means for delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy includes means for ringing the called party terminal and means for delivering the stored message when the called party picks up.

25. (Previously Presented) The system defined in claim 17 wherein the call pickup timer includes a predetermined number of rings.

26. (Previously Presented) The system defined in claim 17 wherein the call pickup timer includes a predetermined time period.